



COUNTY OF LOS ANGELES
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March 7, 2012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

43

March 20, 2012

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU *PAW(cs)*
Senior Assistant County Counsel

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Juana Montoya and Abel Montoya v. County of
Los Angeles, et al.
Los Angeles Superior Court Case No. TC 023 770

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cjs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Juana Montoya and Abel Montoya v. County of Los Angeles, et al., Los Angeles Superior Court Case No. TC 023 770, in the amount of \$3,500,000 plus assumption of the Medi-Cal lien in the estimated amount of \$15,700.54 and waiver of the County hospital bill in the estimated amount of \$64,532 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical negligence lawsuit by a patient and her husband arises from treatment received at Harbor-UCLA Medical Center.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Juana Montoya, et al. v. County of Los Angeles, et al.
CASE NUMBER	TC 023770
COURT	Los Angeles Superior Court - South Central
DATE FILED	November 17, 2009
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$3,500,000 plus assumption of the Medi-Cal lien in the estimated amount of \$15,700.54 and waiver of the County hospital bill in the estimated amount of \$64,532.
ATTORNEY FOR PLAINTIFF	Browne Greene, Esq. Greene Broillet & Wheller, LLP Daniel Balaban, Esq. Balaban & Spielberger, LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	On November 17, 2008, Juana Montoya, a 35-year-old female, presented to Harbor-UCLA Medical Center ("HUMC") for labor and delivery. She delivered a healthy baby and was discharged home. On the next day, Ms. Montoya was brought back to HUMC. She was seen at the emergency department and was found to have bleeding in her brain.

Ms. Montoya filed a lawsuit against the County of Los Angeles contending that the staff at HUMC failed to provide adequate medical care to Ms. Montoya while she was a patient at HUMC.

PAID ATTORNEY FEES, TO DATE

\$176,088

PAID COSTS, TO DATE

\$139,305

Case Name: Montoya, Juana



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	November 18, 2008
Briefly provide a description of the incident/event:	On November 17, 2008, Juana Montoya, a 35-year-old female, presented to Harbor-UCLA Medical Center ("HUMC") for labor and delivery. She delivered a healthy baby and was discharged home. On the next day, Ms. Montoya was brought back to HUMC. She was seen in the emergency department and was found to have bleeding in her brain. Ms. Montoya filed a lawsuit against the County of Los Angeles contending that the staff at HUMC failed to provide adequate medical care to Ms. Montoya while she was a patient at HUMC.

1. Briefly describe the root cause(s) of the claim/lawsuit:

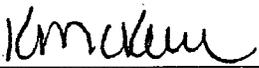
Stroke in the postpartum period resulting in brain damage.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

- A literature review was conducted to determine the incidence of Emergency Department (ED) overcrowding nation-wide. According to recent published reports from the Centers for Disease Control and Prevention (CDC), the Institute of Medicine (IOM), and additional reputable sources, ED overcrowding is a 'national epidemic' resulting in excessive wait times and delays in care.
- A system-wide survey of DHS EDs illustrated numerous steps taken to reduce the impact of ED overcrowding and improve patient flow throughout the hospital including, but not limited to: hiring additional staff for ED and inpatient care areas; manipulating staff schedules to provide optimal coverage during busiest times; opening additional ED and inpatient beds; assigning designated staff to oversee ED flow; and expanding access to same day/next day clinic appointments for non-urgent ED patients.
- A system-wide survey of DHS EDs determined that there is a process in place to triage patients arriving to EDs by ambulance and document this assessment in the medical record.

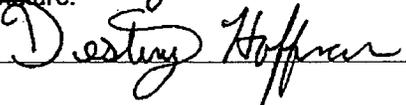
3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management for assistance)

- Potentially has County-wide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

Name: (Risk Management Coordinator) Kimberly McKenzie	
Signature: 	Date: 2/1/12

Name: (Department Head) Mitchell Katz, MD	
Signature: 	Date: 3/5/12

Chief Executive Office Risk Management

Name: Destiny Hoffman	
Signature: 	Date: 2/1/2012